

21 C.J.S. Courts § 151

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Courts

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IV. Terms and Sessions

D. Other Matters

§ 151. Place for holding terms and sessions

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West's Key Number Digest

West's Key Number Digest, [Courts](#)  72, 74

Constitutional and valid statutory provisions designating the place for holding court or its terms or sessions will be accorded effect, and proceedings at an unauthorized place are usually held to be void.

Constitutional and valid statutory provisions designating the place for holding court or its terms or sessions will be accorded effect as mandatory and exclusive of other places,¹ and when the place is so fixed, the court cannot lawfully be held at any other place.² Proceedings at an unauthorized place are usually void³ unless the parties consent to the holding of a session in a place other than that appointed as is permissible in some jurisdictions⁴ although not in others.⁵

In some cases, the power to designate the place for holding court has been conferred upon the judge.⁶ Such a designation must be formally made and filed as required by statute.⁷

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Footnotes

¹ Tex.—*Isbill v. Stovall*, 92 S.W.2d 1067 (Tex. Civ. App. Eastland 1936).

² Ill.—*Patchen v. Patchen*, 364 Ill. 178, 4 N.E.2d 94 (1936).

³ Tex.—*Mellon Service Co. v. Touche Ross & Co.*, 946 S.W.2d 862 (Tex. App. Houston 14th Dist. 1997).

- 4 Minn.—*Bell v. Jarvis*, 98 Minn. 109, 107 N.W. 547 (1906).
- 5 N.Y.—*People v. Shepherd*, 68 N.Y.2d 841, 508 N.Y.S.2d 173, 500 N.E.2d 871 (1986).
- Tex.—*Mellon Service Co. v. Touche Ross & Co.*, 946 S.W.2d 862 (Tex. App. Houston 14th Dist. 1997).
- 6 N.H.—*State v. Carraher*, 116 N.H. 419, 360 A.2d 891 (1976).
- 7 N.Y.—*People ex rel. Jimerson v. Freiberg*, 137 Misc. 314, 243 N.Y.S. 590 (Sup 1930).

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